

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

In re: Robert C. Turner, Paramedic
License No. 001082

Petition No. 2007-0319-072-003
December 12, 2007

AMENDED MEMORANDUM OF DECISION

Procedural Background

On April 13, 2007, the Department issued a Statement of Charges ("the Charges") and a Motion for Summary Suspension against Robert C. Turner, Paramedic ("respondent"). The Motion for Summary Suspension was based on the Charges, affidavits, and the Department's information and belief that respondent's continued licensure as a paramedic represented a clear and immediate danger to the public health and safety. Rec. Exh. 1. The Charges allege that respondent's license is subject to disciplinary action pursuant to §§19a-17 and 20-206nn of the General Statutes of Connecticut ("the Statutes"), based on respondent's violation of the terms of probation contained in a Reinstatement Consent Order issued by the Department on August 25, 2005, in Petition No. 2005-0210-072-003. Rec. Exh. 2. On April 16, 2007, the summary suspension motion was granted. Rec. Exh. 2.

On April 16, 2007, the Department issued a Notice of Hearing ("the Notice") in which the Commissioner appointed the undersigned as the Hearing Officer to rule on all motions, and to determine findings of fact and conclusions of law, and issue an order. Rec. Exh. 3.

On April 24, 2007, respondent filed an Answer to the Charges. Rec. Exh. 4.

After one continuance, on June 8, 2007, a hearing was held. Rec. Exhs. 5, 6. Respondent appeared *pro se*. Attorney Diane Wilan represented the Department. The record remained open until June 30, 2007, in order for respondent to submit documentation from his employer regarding his employment status.¹ Tr. p. 57.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's proposed findings of fact, conclusions of law, and order. To the extent that the proposed findings of fact actually represent conclusions of law, they should be so considered,

¹ On June 29, 2007, respondent's employer submitted a two-page document, dated June 28, 2007, which was marked for identification as Resp. Exh. 1, and entered into the record. The record was then closed.

ORIGINAL

and vice versa. *SAS Int., Inc. v. S&H Computer Systems, Inc.* 605 F.Supp. 816, 817 (M.D.Tenn.1985)

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut Paramedic license #001082.
2. In paragraph 2 of the Charges, the Department alleges that on August 25, 2005, a Reinstatement Consent Order was executed in Petition No. 2005-0210-072-003.
3. In paragraph 3 of the Charges, the Department alleges that the Reinstatement Consent Order specifically provided that respondent successfully complete an approved paramedic refresher course and the National Registry of Emergency Medical Technicians Paramedic practical and written exam within 18 months of September 1, 2005.
4. In paragraph 4 of the Charges, the Department alleges that respondent has not completed the course or the examination required by the Reinstatement Consent Order.
5. In paragraph 5 of the Charges, the Department alleges that respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Reinstatement Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§ 19a-17 and 20-206nn.

Findings of Fact

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut Paramedic License #001082. Tr. p. 4.
2. On December 31, 2003, respondent's license expired. At that time, respondent had a statutory "grace period" until March 31, 2004, within which to renew his license by paying his license fee. Respondent failed to renew his license by March 31, 2004. Therefore, his license lapsed and was no longer valid. Rec. Exh. 2; Dept. Exh. 2, Tr. pp. 11-12.
3. On January 14, 2005, respondent applied to have his license reinstated by the Department. Dept. Exh. 2; Tr. pp. 9, 13, 39.
4. On August 25, 2005, respondent and the Department entered into a Reinstatement Consent Order in Petition No. 2005-0210-072-003. The Reinstatement Consent Order provided that respondent's license #001082 as a paramedic would be reinstated as soon as he satisfied the requirements of §§19a-14-1 through and including 19a-14-5 of the

Regulations,² and upon reinstatement, the license would be placed on probation. The probationary terms required that respondent complete a paramedic refresher course pre-approved by the Department and the National Registry of Emergency Medical Technicians Paramedic practical and a written exam within 18 months of the execution of Reinstatement Consent Order. Rec. Exh. 2; Dept. Exh. 1, Tr. pp. 4, 13-14, 36.

5. Pursuant to the Reinstatement Consent Order, respondent's license was reinstated on September 12, 2005, and placed on probation, effective September 13, 2005. Dept. Exh. 1.
6. Respondent did not complete either of the probationary terms contained in the Reinstatement Consent Order within 18 months, or at any time since he executed the Reinstatement Consent Order. Rec. Exh. 2; Tr. pp. 35-37, 51-52.
7. Respondent's failure to satisfy such requirements violates the terms of the probation as set forth in the Reinstatement Consent Order. Tr. p. 15.

Discussion and Conclusions of Law

The hearing in this matter was held in accordance with Chapter 54 of Connecticut General Statutes and §§ 19a-9-1 *et seq.* of the Regulations. In bringing this action, the Department seeks disciplinary action against respondent's license, pursuant to §§19a-17 and 20-206nn of the Statutes, based on an allegation that respondent violated the Reinstatement Consent Order.

The Department bears the burden of proof by a preponderance of the evidence. The Department sustained its burden of proof by a preponderance of the evidence with respect to all of the Charges.


A preponderance of the evidence establishes that respondent's paramedic license lapsed due to his failure to renew it and pay the licensing fee. Approximately two years later, respondent and the Department entered into a Reinstatement Consent Order, in which respondent's license was reinstated and immediately placed on probation. According to the terms of the probation, respondent was required to take a refresher course and complete a written exam within 18 months of the date of the agreement. Respondent admits that, to date, he has not satisfied either probationary term. Therefore, respondent's failure to do so is a violation of the terms of probation, and a revocation of his paramedic license is warranted.

² Sections 19a-14-1 through 19a-14-5 of the Regulations set forth the application process for licensure after a license has become void.

In accordance with §19a-17(d) of the Statutes,³ respondent may, at some future date, request a modification of this Order and reinstatement of his paramedic license, upon sufficient proof that respondent is able to practice with reasonable skill and safety to patients, customers or the public in general.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the paramedic license of Robert C. Turner is hereby revoked.⁴


Alfreda Gaither, Esq.
Hearing Officer

12/12/07
Date

³ Section 19a-17(d) of the Statutes provides that "... the department may reinstate a license that has been suspended or revoked if, after a hearing, ... the department is satisfied that the practitioner or permittee is able to practice with reasonable skill and safety to patients, customers or the public in general. As a condition of reinstatement, ... the department may impose disciplinary or corrective measures authorized under this section."

⁴ This revocation of respondent's paramedic license does not impose any disciplinary action on his Medical Response Technician certification.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

In re: Robert C. Turner, Paramedic
License No. 001082

Petition No. 2007-0319-072-003
December 6, 2007

MEMORANDUM OF DECISION

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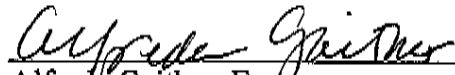
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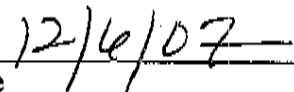
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Alfreda Gaither, Esq.
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